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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/974,519	10/10/2001	Dhiren R. Thakker	421/32/2	7285	
25297	7590 10/06/2003		EXAM	INER	
JENKINS & WILSON, PA 3100 TOWER BLVD			WEBMAN, EDWARD J		
SUITE 1400	PLVD		ART UNIT	PAPER NUMBER	
DURHAM, N	DURHAM, NC 27707			1617	

DATE MAILED: 10/06/2003

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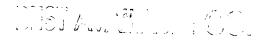
Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Examiner Ground I G	p Art Unit
-The MAILING DATE of this communication appears	on the cover sheet beneath the correspo	ndence address
Period for R ply	3	A THE AAAH INO DATE
Period for R ply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO OF THIS COMMUNICATION.		
 Extensions of time may be available under the provisions of 37 CFR 1.1 from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a repleter of NO period for reply is specified above, such period shall, by default, especified to reply within the set or extended period for reply will, by statute. 	within the statutory minimum of thirty (30) days wil	l be considered timely. communication .
Status	11./23	
Responsive to communication(s) filed on	6/10/01	·
☐ Since this application is in condition for allowance except to accordance with the practice under Ex parte Quayle, 1935	r formal matters, prosecution as to the m C.D. 1 1; 453 O.G. 213.	erits is closed in
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V Claim(a) 1-27	is/are pendin	g in the application.
Disposition of Claims $ \begin{array}{ccccccccccccccccccccccccccccccccccc$	27is/are withdra	wn from consideration.
☐ Claim(s)	is/are allowe	d.
\bigcirc Claim(s) $1-3$, β	is/are rejecte	ed.
Claim(s)	is/are objecto	ed to.
☐ Claim(s)————————————————————————————————————	are subject to	o restriction or election
☐ Claim(s)	requirement.	
Application Papers		
☐ See the attached Notice of Draftsperson's Patent Drawing	Review, PTO-948.	
☐ The proposed drawing correction, filed on	is □ approved □ disapproved.	
☐ The drawing(s) filed on is/are object	a to by the Examilier.	
☐ The specification is objected to by the Examiner.		
☐ The oath or declaration is objected to by the Examiner.		
Priority under 35 U.S.C. § 119 (a)-(d)		
 □ Acknowledgment is made of a claim for foreign priority up □ All □ Some* □ None of the CERTIFIED copies of □ received. □ received in Application No. (Series Code/Serial Numb □ received in this national stage application from the Interest 	e priority documents have been	_•
*Certified copies not received:		<u> </u>
Attachment(s)		
Information Disclosure Statement(s), PTO-1449, Pap r N	o(s). 1, 4 □ Interview Summary,	
□ Notice of Reference(s) Cited, PTO-892	□ Notice of Informal P	atent Application, PTO-19
☐ Notice of Draftsperson's Patent Drawing Review, PTO-9	☐ Other	
- House of Dianopologica (main praning	Acti n Summary	

Applicant(s)

Application/Control Number: 09/974,519

Art Unit: 1617



Applicant's election of Group I, Alkyl phosphocholine, oral administration, and a method of enhancing Para cellular permeability in Paper No. 8 is acknowledged. Because applicant did not distinctly and specifically point out the any errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Liu et al in view of Wissner et al '045.

Applicants stipulate that Wissner '045 teach synthesis of phosphocholines (page 17 lines 20-24). However, Wissner '045 further teaches orally administered phosphocholine derivatives for inhibition of a phospholipase.

Liu et al teach an alkyl phosphocholine for enhancement of Para cellular permeability to overcome the barrier to absorption of orally administered hydrophilic drugs posed by tight junctions in the intestinal epithelium.

It would have been obvious to one of ordinary skill to enhance permeability of tight Junctions in the intestinal epithelium for the beneficial effect of overcoming the barrier to absorption of orally administered hydrophilic drugs as to the claimed oral administration, Wissner et al '045 teach such for phosphocholine derivatives for the inhibition of a phosphocipase.

Art Unit: 1617

Thus, it would have further been obvious to deliver the treatment of Liu et al by oral administration in view of the teaching of Wissner et al '045 that such administration is efficacious for inhibition of a phospholipase.

No claims allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Webman whose telephone number is (703) 308-4432. The examiner can normally be reached on Monday to Friday 9 Am 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Padmanabhan can be reached on (703) 305-1877. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

Webman/LR September 9, 2003

> EDWARD . WEBMAN PRIMABY EXAMINER GROUP 1500